

INSTRUCTIONS FOR 2007 PROBATION REPORTS

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I. INTRODUCTION

- A. Statutory Requirements.

The probation reports have been prepared by the Division of State Court Administration. These reports are designed to comply with Administrative Rule 1(c), I.C. § 11-13-1-4(a) and I.C. § 11-13-1-9, which require probation departments to submit statistical and financial information regarding their departments' operations. If you have any questions regarding these reports, contact the **JTAC Helpdesk at 1-888-275-5822**.
- B. Probation Reports.
 - 1. Statistical Reports

There are two (2) basic probation statistical report worksheets: Adult and Juvenile. The Adult report worksheet is divided into three parts and should be used for both felonies and misdemeanors, but the two types of cases must be reported on separate forms. The Juvenile report worksheet is divided into four parts.
 - 2. Annual Operations Report

This separate report form contains five parts and should be filed with your fourth quarter statistical reports. It calls for annual operating information regarding expenditures, salaries, personnel, restitution, and the number of persons under supervision on December 31, each year. This report is filed once per year.
- C. Reporting Period.

The statistical reports are due quarterly. The first quarter ends on March 31, the second on June 30, the third on September 30, and the fourth on December 31. The reports are to be filed no later than ten (10) calendar days after the reporting period ends. They are online through the INcite system. Copies of the filed reports should be printed off and kept by the probation department. The Annual Operations Report covers the entire calendar year and should be filed at the end of the year with the fourth quarter statistical report.

II. ADULT PROBATION REPORTS

A. Heading

1. Felony or Misdemeanor Title
The adult report form must be designated as either "Felony" or "Misdemeanor."
2. County, Court(s), Court I.D. Number(s) and Judge(s).
You must list the county, court(s), court I.D. number(s) and judge(s) from which you **have received or could have received** cases. If, for instance, a probation officer receives 0 misdemeanor cases from the county court during the first quarter, 0 misdemeanors again during the second quarter, 4 misdemeanor cases during the third quarter, and 1 misdemeanor case during the fourth, the county court should be listed every quarter as one of the courts from which you receive cases. If these are the only misdemeanor supervisions you have received, you still must file a separate misdemeanor report for each quarter.
3. Reporting Period
The reporting period is from the first day of the quarter to the last day of that quarter and should be designated as: 1/1 - 3/31, 2007; 4/1 - 6/30, 2007; 7/1 - 9/30, 2007; and 10/1 - 12/31, 2007.
4. Preparer and Date of Preparation
The person preparing the report should be named, along with the date of the report's preparation. **This report is due ten (10) calendar days after the reporting period ends.**

B. PART I – ADULT SUPERVISIONS

The number of supervisions pending at the end of the previous quarter should be entered on line "A. Supervisions Previously Pending," under the appropriate category. The number of "Supervisions Received" during the quarter being reported should be entered on line "B. Supervisions Received," under the appropriate category. Lines A and B should be added and the total entered on line "C. Total Supervisions Before You," again under the appropriate category. Each supervision represents one person for a single set of circumstances.

The type of supervisions in Columns 1 through 9 of Part I are defined as follows:

1. Post-Sentence Supervisions: Persons ordered under supervision after conviction and sentencing. This may include confinement in a local facility as a condition of probation. I.C. § 35-38-2.6-3
2. Shock Probation: Persons ordered under supervision pursuant to I. C. § 35-38-1-17 as a result of early release from initial conviction and sentencing. I. C. § 35-38-1-17 provides:
 - (a) Within three hundred sixty-five (365) days after:
 - (1) a convicted person begins serving the sentence imposed on the person;
 - (2) a hearing is held:

- (A) at which the convicted person is present; and
- (B) of which the prosecuting attorney has been notified; and
- (3) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned; the court may reduce or suspend the sentence. The court must incorporate its reasons in the record.

3. Split Sentence Supervision

Persons ordered under supervision after commitment to the Indiana Department of Correction for a period of time, or commitment to a local facility. These cases should not be counted until they are released from the institution and are being supervised by probation.

4. Interstate Accepted

Persons accepted under supervision from *outside* of Indiana. A probationer who was initially under your department's jurisdiction who moves and then returns during the duration of the same supervision should be counted as being received in the "Other" category (Line B, Column 7). I.C. § 11-8-3-2

5. Intrastate Accepted

Persons accepted under supervision from other courts *within* Indiana. A probationer who was initially under your department's jurisdiction who moves and then returns during the duration of the same supervision should be counted as being received in the "Other" category (Line B, Column 7). I.C. § 11-8-3-2

6. Supervision in Lieu of Prosecution

When the court takes "judicial notice of the fact that proper early intervention, medical, advisory, or rehabilitative treatment of the defendant is likely to decrease the defendant's tendency to engage in antisocial behavior." I.C. § 12-23-5-1.

7. Other

Persons ordered under supervision under circumstances not reflected in 1 - 6 above. NOTE: An explanation must be provided for those persons in Part III. Examples may include, an offender who is reinstated on probation following a period of time in which a warrant was active and/or an offender originally transferred by your department to another jurisdiction who subsequently returns to your jurisdiction for supervision.

8. Total Supervisions

The numbers reflected in categories 1 through 7 must be added together and the total entered in column 8, "Total Supervisions."

C. PART II – CLOSED AND INACTIVE SUPERVISIONS

When a person is released from probation, the type of disposition should be noted in the appropriate column. For example, if a split sentence supervision is revoked because of a new offense, that case would be counted on Line E: "Revoked Because of a New Offense," in Column 3, "Split Sentence Supervision."

The type of dispositions are defined as follows:

1. Line D. Discharged: Persons who have completed the term of probation.
2. Line E. Revoked Because of New Offense: Persons no longer under supervision due to revocation of their suspended sentence because of a new offense. If the revocation resulted from a new offense and a technical violation, only the new offense (Line E)

should be counted. This category may also be used for those offenders who are arrested on a new offense while under "Supervision in Lieu of Prosecution" and subsequent charges are filed.

3. Line F. Revoked Because of Technical Violation Only: Persons no longer under supervision due to revocation of the suspended sentence because of technical violation (i.e., any violation other than commission of a new offense). This category may also be used for those offenders who fail to successfully complete "Supervision in Lieu of Prosecution" and are subsequently charged with the original offense.
4. Line G. Other Closed Supervisions: Persons no longer under supervision for reasons other than those reflected in Lines D through F above.
5. Line H. Subtotal Closed Supervisions: Lines D through G must be added for each column (1-8) and included here.
6. Line I. Absconded and/or Warrant Active: Persons no longer under supervision because they have fled the jurisdiction.
7. Line J. Intrastate Transferred Out: Persons transferred to another jurisdiction *within* Indiana for probation supervision. Even though you may be required to maintain a file on that person, if supervision has been transferred, the case is counted in this section as a disposition.
8. Line K. Interstate Transferred Out: Persons transferred to another jurisdiction *outside* Indiana for probation supervision. Even though you may be required to maintain a file on that person, if supervision has been transferred, the case is counted in this section as a disposition.
9. Line L. Other Inactive Supervisions: Persons no longer under supervision for reasons other than those reflected in Lines I through K above.
10. Line M. Subtotal Inactive Supervisions: Lines I through L must be added for each column (1 –8) and included here.
11. Line N. Total Closed & Inactive Supervisions: Lines H and M must be added for each column (1-8) and included here to reflect the total number of cases disposed during the quarter.
12. Line O. Supervisions Pending: To arrive at the number of supervisions pending at the end of the quarter, Line N must be subtracted from Line C. This number should equal the number of persons on active probation at the end of the reporting period.

D. Part III.

1. The total number of presentence investigations completed during the quarter should be reported. (Include reports of all lengths.)
2. Of the supervisions reported on Line O, Column 8, indicate the number in each classification level at the end of the reporting period. Use the current risk assessment/reassessment form to determine these figures. This question calls for case classification levels of active supervisions only.
3. From the total number of supervisions received during the quarter (Part I, Line B, Column 8), how many were convicted of a substance abuse offense listed below.

Substance Abuse Offenses

I. C. 6-7-3-11

Penalty for failure to pay tax

I. C. 7.1-5-1-3

Public Intoxication

<i>I. C. 7.1-5-7-7</i>	Possession/Consumption of Alcohol by Minor
<i>I. C. 9-30-5-1 through 5</i>	Operating a Vehicle While Intoxicated
<i>I. C. 16-42-19-16</i>	Obtaining by fraud, deceit, etc; forged prescriptions
<i>I. C. 35-46-6-2</i>	Glue Sniffing
<i>I. C. 35-48-4-1</i>	Dealing in Cocaine or Narcotic Drug
<i>I. C. 35-48-4-2</i>	Dealing in a Schedule I, II or III Controlled Substance
<i>I. C. 35-48-4-3</i>	Dealing in a Schedule IV Controlled Substance
<i>I. C. 35-48-4-4</i>	Dealing in a Schedule V Controlled Substance
<i>I. C. 35-48-4-4.5</i>	Dealing in a Substance Represented to be a Controlled Substance
<i>I. C. 35-48-4-4.6</i>	Dealing/Possessing look-a-like Substance
<i>I. C. 35-48-4-5</i>	Dealing in a Counterfeit Substance
<i>I. C. 35-48-4-6</i>	Possession of Cocaine or Narcotic Drug
<i>I. C. 35-48-4-7</i>	Possession of a Controlled Substance
<i>I. C. 35-48-4-8.3</i>	Possession of Paraphernalia
<i>I. C. 35-48-4-8.5</i>	Dealing in Paraphernalia
<i>I. C. 35-48-4-10</i>	Dealing in Marijuana, Hash Oil, or Hashish
<i>I. C. 35-48-4-11</i>	Possession of Marijuana, Hash Oil, or Hashish

4. Of the total number of persons received for supervision during the quarter (Part I, Line B, Column 8), identify how many indicated some type of disruption in their lives due to substance abuse. This should be determined by using the risk assessment form. A person who scored a "1" or "2" on question number 6 of that form should be counted in this category.
5. An explanation should be given for any entries made in the "other" category in either Part I, Column 7, or Part II, Lines G and L.
6. Question 6 A, B, and C seek information about whether your probation department conducts contractual services for diversion programs. Question A asks the preparer to confirm whether this is the case. Subpart B. seeks details about those entities with which your department has contracted for these services and what services are provided. Subpart C. asks for the total revenue received by your department for these services during the reporting year.

The quarterly report should be signed by the preparer, the Chief Probation Officer and the judge.

III. JUVENILE PROBATION REPORTS

A. Heading.

1. County, Court, Court I.D. Number(s) and Judge(s). Please list the county, court(s), court I.D. number(s) and judge(s) from which you have received or could have received cases. As with the adult reports, even if you did not receive cases from a particular court in your county this quarter, if you could have received one, that court must still be listed on your report.
2. Dates of Report. The reporting period is from the first day of the quarter to the last day of that quarter and should be designated as: 1/1 - 3/31; 4/1 - 6/30; 7/1 - 9/30; and 10/1 - 12/31.
3. Preparer and Date of Preparation. The person preparing the report should be named along with the date of the report's preparation. **This report is due ten (10) calendar days after the reporting period.**

B. Referrals, Part I(A)

The number of referrals pending at the end of the previous quarter should be entered on Line A, "Referrals Previously Pending". The number of referrals coming to the probation department during the quarter should be entered on Line B, "New Referrals". Lines A and B are added and the total is entered on Line C, "Total Referrals Before Probation Department."

A referral may be made by any person including a parent, school official, or law enforcement agency.

The categories designated in Part I(A), Columns 1 through 5 are defined as follows:

1. Non-Status Delinquent. Juveniles referred for acts that would be a crime if committed by an adult, pursuant to *IC 31-37-1*.
2. Status Delinquent. Juveniles referred for Runaway, Truancy, Incurability, Curfew Violation, and violations of *IC 7.1-5-7* (concerning minors and alcoholic beverages), pursuant to *IC 31-37-2-1 et seq.*
3. CHINS (Child In Need of Services). Juveniles referred who are defined as Children In Need of Services under *IC 31-34-1-1 et seq.*
4. Other. Juveniles referred to you under circumstances which are not reflected in the above definitions. An explanation of these referrals must be given in Part I(C).

C. Disposition of Referrals, Part I(B).

1. Lines D through G. These lines are self explanatory.
2. Line H. Other Disposition of Referral. Referrals disposed under circumstances which are not reflected in Lines D through G. For example, warning and released with conditions.
3. Line I. Total Referrals Disposed. Lines D through H should be totaled in each Column (1-5).
4. Line J. Referrals Pending. To arrive at the number of referrals pending at the end of the quarter, Line I should be subtracted from Line C and the balance entered on Line J.

D. Preliminary Inquiries, Part I(C).

1. An explanation should be given for any entries in the "Other" category in either Part I(A), Column 4, or Part I(B), Line H.

E. Juvenile Supervisions, Part II.

The type of supervisions listed in Columns 1 through 10 are defined below:

- 1 - 3. Post-Decree Supervision. Juveniles ordered under supervision as a result of a formal court disposition should be noted in the appropriate column, Non-Status Delinquent, Status Delinquent, or CHINS.
- 4 - 6. Informal Supervisions. Juveniles ordered under supervision as a result of an informal adjustment should be noted in the appropriate column, Non-Status Delinquent, Status Delinquent, or CHINS.
7. Intrastate Accepted. Juveniles accepted under supervision from other courts *within* Indiana are reflected in this column. A juvenile who was initially under your department's jurisdiction who moves and then returns during the duration of the same supervision should be counted as being received in the "Other" category (Line B, Column 9).
8. Interstate Accepted. Juveniles accepted under supervision from *outside* Indiana. A juvenile who was initially under your department's jurisdiction who moves and then returns during the duration of the same supervision should be counted as being received in the "Other " category (Line B, Column 9).
9. Other. Juveniles ordered under supervision under circumstances not reflected in 1-8 above. NOTE: Explanation must be given for those juveniles in Part V. Examples may include but are not limited to: a juvenile who is reinstated on probation following a period of time in which a warrant was active and/or a juvenile originally transferred by your department to another jurisdiction who subsequently returns to your jurisdiction for supervision.
10. Total Supervisions. The numbers reflected in Categories 1 through 9 must be added together and the total entered in Column 10, "Total Supervisions".

The number of supervisions pending at the end of the previous quarter should be entered on Line A, "Supervisions Previously Pending." The number of juveniles placed under supervision during the quarter should be entered on Line B, "Supervisions Received" under the appropriate category. Lines A and B are added and the total is reflected on Line C, "Total Supervisions Before You."

F. Closed and Inactive Supervisions, Part III.

When a juvenile is released from supervision, the type of disposition must be reflected under the appropriate category. For example, if a post-decree status delinquent is discharged, it would be entered on Line D, Column 2.

The type of dispositions are defined as follows:

1. Line D. Discharged. Juveniles who have completed the term of probation.
2. Line E. Modified and Committed to Correctional Facility (Technical Violation). Juvenile is removed from probation due to a revocation and subsequent

- commitment to a correctional facility. A correctional facility may include any facility through the Department of Correction or any detention facility.
3. Line F. Other Closed Supervisions. Supervisions closed under circumstances that are not reflected in Lines D or E.
 4. Line G. Total Closed Supervisions. Add lines D through F.
 5. Line H. Modified and Placed in an In-State, Non-Correctional Facility (Technical Violation). Juvenile who is no longer supervised by probation due to revocation and subsequent placement in an in-State non-correctional facility. This does not include those juveniles who are placed in a non-correctional facility on an original charge.
 6. Line I. Modified and Placed in an Out-of-State, Non-Correctional Facility (Technical Violation). Juvenile who is no longer supervised by probation due to revocation and subsequent placement in an out-of-state non-correctional facility. This does not include those juveniles who are placed in a non-correctional facility on an original charge.
 7. Line J. Modified Because of New Offense. Juveniles removed from probation as a result of the commission of a new offense.
 8. Line K. Absconded. Juveniles no longer under supervision because of having fled the jurisdiction.
 9. Line L. Intrastate Transferred Out. Juveniles transferred to another jurisdiction *within* Indiana for probation supervision. Even though you may be required to maintain a file on that person, if supervision is transferred, the case is counted in this section as a disposition.
 10. Line M. Interstate Transferred Out. Juveniles transferred to another jurisdiction *outside* Indiana for probation supervision. Even though you may be required to maintain a file on that person, if supervision is transferred, the case is counted in this section as a disposition. *IC 31-37-23*
 11. Line N. Emancipated. Juveniles released from supervision pursuant to *IC 31-37-19-27*.
 12. Line O. Other Inactive. Juvenile supervisions that are inactive for reasons which are not reflected in Lines H through N above. Explanation must be given for those persons in Part IV.
 13. Line P. Total Inactive Supervisions. Add lines H through O.
 14. Line Q. Total Closed and Inactive Supervisions. For each Column (1-10) Lines G and P must be added to reflect the total number of cases that are not under active supervision during the quarter.
 15. Line R. Supervisions Pending. To arrive at the number of supervisions pending at the end of the quarter, Line Q must be subtracted from Line C. This number should equal the number of persons on active probation at the end of the reporting period.

G. Part IV.

1. The preparer should indicate the total number of predispositional reports completed during the quarter. (Include reports of all lengths.)
2. The preparer should indicate the total number of progress reports completed. A progress report is defined as any written report filed with the court subsequent to adjudication.
3. Indicate how many of the total number of supervisions at the end of the reporting period (Line R, Column 10) are in each risk classification level. This questions is

intended to reflect the classification levels of active supervisions only. Use the current risk assessment/reassessment forms to determine these figures.

4. Indicate in how many of the total number of supervisions received during the quarter (Part II, Line B, Column 10), the respondent was adjudicated on a substance abuse offense. (See list on page 5 and 6.)
5. Of the total number of juveniles received for supervision during the quarter (Part I, Line B, Column 10), how many indicated some type of disruption in their lives due to substance abuse. This should be determined by using the risk assessment form. If a person scored a "1" or "2" on question number 2 on the risk assessment form or question number 5 on the risk reassessment form, they should be counted in this category.
6. An explanation should be given for any entries in the "Other" category in either Part II, Column 9, or Part III, Rows F or O.
The quarterly report should be signed by the preparer, the Chief Probation Officer, and the judge.

IV. EXAMPLES

1. When one person is placed on probation for several convictions involving a felony and misdemeanor, he should be counted one time under the most serious classification. For example, when a person is placed under supervision for both a felony and a misdemeanor, the supervision would be counted only on the felony statistical report.
2. Except in the instances reflected in examples 5 and 6, a person received under supervision must be counted only one time for the duration of supervision in that department. For example, if a felon received under supervision is placed under supervision for a new misdemeanor offense, he should not be counted again as a supervision received.
3. Any disposition of a supervision must be counted under the same column defining the original type of supervision received. For example, if a person is discharged from probation after post-sentence supervision was ordered, the case should be reflected in the "post-sentence supervision" column in the line labeled "discharged." Even if subsequent offenses have been committed and additional probation ordered, the case should remain in the same category as originally entered when the person was first placed on probation. If the person is discharged from probation and placed back under supervision, a new "supervision received" can then be reflected in the appropriate category.
4. If a person is transferred to another jurisdiction, the sending jurisdiction should count the supervision as disposed even though a file is maintained for that person. The receiving jurisdiction should enter that person as a supervision received in the intrastate column.
5. When an intrastate transferee returns to his/her original jurisdiction, that jurisdiction counts the case as a "Supervision Received" in the "Other" category.
6. When a warrant is issued for an offender, it is reflected on the line labeled "Absconded and Warrant Active". If that offender is later returned to supervision for the same offense for which the warrant was issued, the case should be counted as a "Supervision Received" in the "Other" category.